

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-CV-30288-KPN

STEVEN J. SANTORE, SR., )  
 )  
Plaintiff, )  
 )  
V. )  
 )  
STEVEN V. COONS and )  
DALTON HEALTH GROUP, LLC, )  
 )  
Defendants, )

**DEFENDANT, DALTON HEALTH GROUP, LLC'S, MOTION TO DISMISS THE  
COMPLAINT OF PLAINTIFF, STEVEN J. SANTORE, SR., FOR FAILURE TO STATE  
A CLAIM UPON WHICH RELIEF CAN BE GRANTED**

Pursuant to Fed.R.Civ.P. 12(b)(6), Defendant Dalton Health Group, LLC ("Dalton") moves to dismiss the Complaint of Plaintiff, Steven J. Santore, Sr. ("Santore") for failure to state a claim upon which relief can be granted. As grounds, Dalton states that Santore has failed to allege facts sufficient to entitle him to relief under a negligence theory of liability. Specifically, Santore has failed to show that Dalton owed him a legal duty, that Dalton breached such a duty or that such breach proximately caused his alleged injuries.

Further grounds in support of this Motion are set forth in the supporting Memorandum filed herewith.

Respectfully Submitted,

DALTON HEALTH GROUP, LLC,

By its attorneys,

A handwritten signature in black ink that reads "Michael Bernardo". The signature is written in a cursive style with a horizontal line underneath it.

Thomas E. Peisch BBO# 393260

Michael R. Bernardo BBO#648310

Conn Kavanaugh Rosenthal Peisch & Ford, LLP

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DATED: December 1, 2003

**CERTIFICATE OF SERVICE**


I, Michael R. Bernardo, hereby certify that on this date I served a copy of the foregoing document on all parties by mailing a copy thereof, postage prepaid, to:

Mitchell I. Greenwald, Esq.  
29 Wendell Avenue  
Pittsfield, MA 01201

Dennis R. Anti, Esq.  
1500 Main Street  
Suite 2400  
Springfield, MA 01115

Dated: December 1, 2003

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Michael R. Bernardo, Esq.